

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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CME

Mailed: October 27, 2016

Opposition No. 91214578
Oppositon No. 91226723
Cancellation No. 92063552

LeMans Corporation

v.

LeMar Xavier Lewis

Christen M. English, Interlocutory Attorney:

The Board issued an order on September 14, 2016, suspending these consolidated proceedings pending disposition of the motion for summary judgment that LeMans Corporation (“LeMans”) filed on August 31, 2016. 74 TTABVUE. The order specifies that the Board will not consider any filing that is not germane to the motion for summary judgment. *Id.*

On October 3, 2016, after the parties fully briefed the motion for summary judgment, Mr. Lewis filed a “Motion to Re-Open Discovery.” 75 TTABVUE. This motion will be given no consideration because it is not germane to the motion for

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summary judgment.¹ Moreover, Mr. Lewis's motion is moot because discovery is currently open in all of the consolidated proceedings.² 66 TTABVUE 5.

Proceedings remain suspended. The Board will render a decision on the motion for summary judgment in due course.

¹ In view hereof, LeMans's email request for a telephone conference to address the nature of Mr. Lewis's filing is moot.

² Mr. Lewis may supplement his discovery responses at any time, and indeed, has a duty to supplement pursuant to Fed. R. Civ. P. 26(e)(1); *see also* TBMP § 408.03 (2016).